

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

June 04, 2021

Nathan Ochsner, Clerk of Court

United States of America)
v.)
Edson Onan Fuentes GAVARRETE)
and)
Patric Florencio GAVARRETE)

Case No. **4:21mj1245**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2, 2021 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1324(a)(1)(A)(v)(I) and
8 U.S.C. § 1324(a)(1)(A)(iii)

Conspiring with others knowingly or in reckless disregard of the fact that an alien has come to, entered, or remained in the United States in violation of law, conceals, harbors or shields from detection, such alien in any place, including any building or any means of transportation and engages in any conspiract to commit any of the preceding acts.

18 U.S.C. § 1203(a)
18 U.S.C. §§ 922(g)(5)(a) and
924(a)(2)

Conspiracy to commit hostage taking
Possession of a firearm by an illegal alien - (Edson GAVARRETE only)

This criminal complaint is based on these facts:

Please see attached Affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Randell S. Southland, Special Agent, HSI

Printed name and title

Sworn to before me telephonically.

Date: 06/04/2021


Judge's signature

City and state: Houston, Texas

Sam S. Sheldon, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Randell S. Southland, being telephonically sworn, depose and state the following:

1. I am a Special Agent with Homeland Security Investigations (HSI). I have been so employed since 2004. Prior to that, I was an Immigration Agent with the Immigration and Naturalization Service (INS) from 1997 to 2004. I have extensive training and experience in alien smuggling investigations.

2. The information enumerated in the paragraphs below, furnished in support of this affidavit, is derived from my own observations and the observations of other law enforcement officers.

3. On June 2, 2021, Houston Police Department (HPD) received a phone call from a subject who claimed that he was being extorted for money to free his brother from smugglers. Noel Alexander Benilla HERNANDEZ paid a smuggling organization \$10,000 of \$13,000 to smuggle his brother, Eduardo Bonilla HERNANDEZ from Honduras through McAllen, Texas and into Houston. On this date, Noel HERNANDEZ called a smuggler in McAllen, Texas known as "DeLeon" who advised him someone locally would contact him about the time and place to pick up his brother in Houston, in addition to any remaining costs. An unknown male contacted Noel HERNANDEZ on the phone and advised it would now cost \$5,000 to get his brother released. Noel HERNANDEZ eventually agreed and was told to meet the smugglers at the address of 7098 Bissonnet Street, Houston, TX, a parking lot near Auto Zone store and a Gymnasium. Noel HERNANDEZ arrived at the location and visually verified his brother Eduardo HERNANDEZ was present and unharmed inside a vehicle. He then advised the smugglers he needed to obtain more cash from an ATM machine. After moving away from view of the vehicle, Noel HERNANDEZ called HPD to lodge his complaint and seek assistance.

4. Noel HERNANDEZ stated that his brother Eduardo HERNANDEZ was sitting behind the driver in the middle row of the vehicle, with another male in a white shirt sat behind his brother in the third row of the vehicle. The driver of the vehicle was described as a Hispanic male wearing sunglasses and with tattoos on both arms. HPD arrived on scene, blocked the vehicle, and extracted all three of the occupants. During a safety sweep of the vehicle, a 9mm handgun was found under the seat in front of where the rear occupant had been located in the vehicle.

5. Eduardo HERNANDEZ advised HPD that he was one of ten people being held for more money at a stash house about a mile away. HPD was able to determine that the house was located at 9011 McAvoy Street, Houston, TX. HPD officers arrived at the location and found that the garage door of the house was left open. During an interview with the neighbor directly across the street, the neighbor stated that the house occupants would leave the garage door up when they were gone. Officers were in possession of the set of keys from the vehicle which included keys that appeared to be for a house lock. After knocking and announcing with no response, officers unlocked the front door and conducted a safety sweep of the house. Officers heard movement but stated that no one would respond to their calls of Police. Officers found two doors at the end of a hallway with locks. The door on the left side of the hallway had a deadbolt on the inside and outside of the door but was unlocked. Upon opening the door, Officers found two undocumented noncitizen females hiding inside the bedroom. From the inside of the door, even while unlocked, the door did not easily open, leaving the females to believe it was locked. The door on the right side of the hallway had a key in the lock, with the door locked. Officers opened the door and found it contained seven undocumented noncitizen men sitting on the floor, stripped of all clothing but their undergarments.

6. On June 2, 2021 at approximately 1830 hours, Homeland Security Investigations arrived at the 9011 McAvoy Street, Houston, TX address. At that time, HPD had already contacted the homeowner who rents out the residence. The homeowner granted police and agents all consent for entry into the house. During the initial sweep of the house, Police Officers found a number of cellular phones, a ledger and identifications laying in plain view.

7. Agents conducted brief onsite interviews with both HERNANDEZ brothers. Eduardo HERNANDEZ identified Edson Onan Fuentes GAVARRETE as the subject seated behind him in the back of the vehicle with a gun. He advised that Edson GAVARRETE was observed carrying a pistol in his hand as they exited the house and got into the vehicle. Eduardo HERNANDEZ was told by Edson GAVARRETE while seated behind him with the gun, "Don't do anything stupid or you know what will happen." Eduardo HERNANDEZ stated that Edson GAVARRETE had the gun wrapped in his shirt, resting on his belly.

8. Eduardo HERNANDEZ identified Patric Florencio GAVARRETE as the driver of the vehicle that drove him from the stash house located at 9011 McAvoy Street, Houston, TX to the 7098 Bissonnet Street, Houston, TX location to meet with his brother Noel HERNANDEZ.

9. On June 3, 2021, Special Agent Randell Southland and Suyapa Martin conducted an interview of Edson Onan Fuentes GAVARRETE, a citizen and national of Honduras, unlawfully present in the United States. Edson GAVARRETE was identified by Eduardo HERNANDEZ as the individual in the white shirt, holding the gun in the third row of the vehicle. During his interview, Edson GAVARRETE stated that he was hired by a coyote in Mexico to work with his cousin, Patric Florencio GAVARRETE, a United States Citizen, at the 9011 McAvoy Street, Houston, TX address. Edson GAVARRETE stated that he earns \$100 per person he facilitates in the house. He stated that everyone who made it to the house had their fees raised from

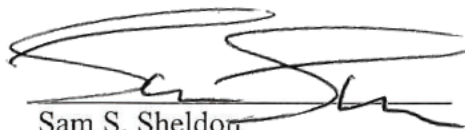
\$3000 to \$5000 range. That additional profit was split between the GAVARRETE cousins. Edson GAVARRETE admitted to possession of the firearm, a Glock 19 9mm handgun. He stated that the weapon was legally owned by his cousin Patric GAVARRETE and that it's locked and maintained in Patric GAVARRETE's room. Edson GAVARRETE explained that he took possession of the firearm from his cousin in the kitchen as they prepared to escort Eduardo HERNANDEZ through the house to the vehicle. Edson GAVARRETE stated that he wrapped the gun in his shirt while in the back seat and slid it under the seat when the police arrived. Edson GAVARRETE stated that he brandishes the weapon to intimidate the victims in the car, to keep them under control.

10. Based upon the evidence gathered from the investigation, I believe there is probable cause to believe that Edson Onan Fuentes GAVARRETE and Patric Florencio GAVARRETE have violated Title 8, United States Code, Section 1324 (a) (1) (A) (v) (I) and 1324(a)(1)(A)(iii) conspiracy to harbor illegal aliens, Title 18, United States Code, Section 1203(a) conspiracy to commit hostage taking, and Title 18 United States Code, Section 922(g)(5)(a) and 924(a)(2) possession of a firearm by an illegal alien.



Special Agent Randell S. Southland
Homeland Security Investigations
Houston, Texas

Sworn telephonically at Houston, Texas on June 3, 2021 and I find probable cause.



Sam S. Sheldon
United States Magistrate Judge